

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARY JEWELERS, LLC,

 Plaintiff,

 v.

 IBJTC BUSINESS CREDIT CORPORATION
 and DAVID MOLINARIO,

 Defendants.

Civil Action No. 04-10281-EFH

**NOTICE OF DEFENDANT IBJTC BUSINESS CREDIT CORP.'S INTENT TO OBJECT
TO CERTAIN OF PLAINTIFF ARY JEWELERS, LLC'S TRIAL EXHIBITS AND TO
THE QUALIFICATIONS OF CERTAIN OF
PLAINTIFF ARY JEWELERS, LLC'S EXPERT WITNESSES**

Pursuant to the Court’s Revised Trial Order dated May 2, 2006, Defendant IBJTC Business Credit Corp. (“IBJ”) hereby provides notice of its intent to object to certain of the trial exhibits of Plaintiff ARY Jewelers, LLC (“ARY”). Specifically, IBJ intends to object to the introduction into evidence of exhibit numbers 29 – 34 on plaintiff ARY’s Exhibit List, which was filed with the Court on November 20, 2006, on the ground that each of the exhibits is inadmissible hearsay. *See* Fed. R. Evid. 801, 802. In addition, IBJ reserves the right to object to exhibit numbers 8, 9, 11, 13, 15, 17, 24, and 28 on plaintiff ARY’s Exhibit List. In addition to being irrelevant, *see* Fed. R. Evid. 402, to the extent these exhibits are offered for the truth of the matters asserted therein, they too are inadmissible hearsay. *See* Fed. R. Evid. 801, 802.

IBJ also reserves the right to object to the qualifications of Cornelius Hurley, who is listed by ARY as an expert witness in the Stipulation of Uncontested Facts, Statement of Issues to be Tried, and List of Witnesses that was jointly filed by the parties with the Court on

November 13, 2006. To date, IBJ has not been provided with an expert report from Mr. Hurley and thus has not had an opportunity properly to consider Mr. Hurley's qualifications with respect to his likely testimony.

Dated: November 27, 2006

ROPES & GRAY LLP

By: /s/ F. Turner Buford

Robert S. Fischler (Admitted *Pro Hac Vice*)

Christopher R. Dillon (BBO No. 640896)

F. Turner Buford (BBO No. 661311)

turner.buford@ropesgray.com

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

Attorneys for Defendant IBJTC

Business Credit Corp.

CERTIFICATE OF SERVICE

I, F. Turner Buford, hereby certify that, pursuant to Fed. R. Civ. P. 5.4(c), a true copy of this document was electronically served upon counsel of record for the plaintiff in this action on November 27, 2006.

By: /s/ F. Turner Buford

F. Turner Buford (BBO No. 661311)